

REMARKS

After the foregoing amendment, claims 1-11, as amended, are pending in the application. Applicants submit that no new matter has been added to the application by the Amendment.

Objection to the Specification

The Examiner objected to the specification as failing to recite all the continuing data, i.e. that the application is a reissue of application No. 09/378,657. Applicants respectfully traverse the objection.

The specification of U.S. Patent No. 6,081,491 identifies all continuing data, i.e. continuation, divisional etc. Applicants are unable to find any rule of practice which requires that the specification be amended by Applicants to include a statement that an application is a reissue of an application. Further, a statement such as this would be incorrect as the subject matter of a reissue application is the reissue of a patent and not of an application. Accordingly, Applicants respectfully request the Examiner identify which rule of practice that requires amendment of the specification by reciting that the application is reissue application of 09/378,657, or reconsider and withdraw the objection to the specification.

Surrender of Original Patent

The Examiner states that the original patent must be surrendered to the U.S. Patent and Trademark Office before the reissue application can be allowed. Applicants submit that Rule 1.178, previously requiring surrender of the original patent was amended on September 21, 2004 to eliminate the requirement to surrender the original patent. Accordingly, since the present Office Action was mailed on March 29, 2005, after Rule 1.178 was amended on September 21, 2004 to eliminate the requirement to surrender the original patent, Applicants are no longer required to surrender the original patent.

Defective Reissue Declaration

The Examiner rejected claims 1-11 under 35 U.S.C. § 251 as being based on a defective reissue declaration. The Examiner states that the Declaration is defective because it does not

identify each inventor's country of citizenship and each inventor's residence or mailing address. The Examiner further stated that submission of an appropriate Supplemental Reissue Declaration would overcome the rejection under 35 U.S.C. § 251.

Applicants hereby attach a Supplemental Declaration including the inventors' citizenships and mailing addresses of the inventors, and including a statement that every error in the patent that was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the Applicant. Accordingly, Applicants respectively request reconsideration and withdrawal of the rejection of claims 1-11.

Conclusion

Insofar as the Examiner's objections and rejections have been fully addressed, the instant application, including claims 1-11, is in condition for allowance and Notice of Allowability of claims 1-11 is therefore earnestly solicited.

Respectfully submitted,

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(Date)

By: 

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